

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

W.P. No.2554 of 2006

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Date: 13-02-2006

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Between:

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Benda Nageshwari, W/o. Vishnu Murthy,
30 years, Occ: Housewife, R/o.Suryaraopeta locality,
Kakinada Town & (M), East Godavari District.

... Petitioner

And

The District Collector,
East Godavari District, Kakinada and others.

... Respondents

ORDER:

The petitioner questions the order dated 01-02-2006 of the Mandal Revenue Officer, Kakinada Rural, East Godavari District, directing the Mandal Revenue Inspector to take possession of the assigned LCC land admeasuring Ac.1.00 cents in Survey No.190/1C of Thimmapuram Village and to handover the same to the Panchayat Secretary, Thimmapuram, for safe custody.

It is stated that out of the said land, the petitioner purchased an extent of 535 square yards, i.e. plot No.1, from one Binepe Appa Rao under a registered sale deed dated

20-04-1999 and the said sale deed does not disclose anything that the said land is

assigned. It is also stated that as there was no prohibition, the sub-registrar registered the said assigned land. Further, it is stated that the daughter-in-law and the grand daughter who were the legal heirs of said Binepe Appa Rao, have made an application before the Collector stating that the land, which was assigned in favour of the petitioner was illegal, on which endorsement has been made to the Mandal Revenue Officer to enquire and discuss the same.

Pursuant to the said representation on the file of the Sarpanch Thimmapuram village, the Mandal Revenue Officer conducted enquiry after issuing the notice under Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and after hearing the objections of the petitioners, the Mandal Revenue Officer passed the impugned order. Admittedly, as against the said order, an appeal lies under Section 4-A of the Act to the Revenue Divisional Officer Kakinada.

Having regard to the facts and circumstances of the case, the petitioner is permitted to file an appeal under Section 4-A of the Act to the Revenue Divisional Officer, Kakinada, impleading

Smt. Binepe Varalakshmi, W/o. Nagaraju and Binepe Padmaja D/o. Nagaraju, i.e. legal heirs of Binepe Appa Rao, as respondents within one week from the date of receipt of a copy of this order.

If any such an appeal is filed, the respondents are directed to consider the same and pass appropriate orders in accordance with law, after hearing the objectors i.e. legal heirs of Binepe Appa Rao, within a period of four weeks thereafter. Till then, the petitioner shall not be dispossessed from the land in question.

The Writ Petition is accordingly disposed of. No order as to costs.

V. ESWARAIAH, J

Date: 13-02-2006

LSK

